ATTACHMENT A

Remarks

The interview held with Examiner Caputo and Supervisory Examiner Fuerman on May 26, 2004, is gratefully acknowledged. The courtesy and cooperative spirit shown by the Examiners during the interview is much appreciated. The rejection centered around the rejection on prior art and certain amendments to the claims were discussed, together with existing limitations of the claims which applicant contends distinguish the present invention from the references cited. The substance of the discussions at the interview is incorporated in the remarks which follow.

Turning to the Office Action, claims 1-5, 9, 12, 21-23, 28, 33-35, 40 and 44-46 have been rejected under 35 USC 103(a) as being unpatentable over Christy in view of Storch et al while claim 6 has been rejected under 35 USC 103(a) as being unpatentable over the same references and further in view of Dumont. Claims 7, 8, 10, 11, 13-20, 25, 26, 29-32, 38, 39 and 41-43 have been rejected under 35 USC 103 as unpatentable over Christy as modified by Storch et al and further in view of Greenaway. These rejections are respectfully traversed although, as mentioned above, the claims have been amended to more clearly define over the references cited.

Turning first to claim 1, this claim has been amended so as to limit the sensor to one selected from the group consisting of capacitance, thermal and magnetic sensors. It is respectfully submitted that use of such sensors in the multi-layer barcode arrangement of the Christy patent would simply not be obvious based on the teachings of the Christy patent nor those of the Storch et al patent. The Christy patent is concerned with detection of identification codes using wavelength separation and given that, as pointed out by the Examiner, the patent makes reference to the use of different wavelengths, it is conceded, for the sake of argument, that the use of radar might be obvious in view of the teachings of the Storch et al patent. However, although the Storch et al patent mentions other sensing or reading methods in addition to optical, these methods relate to codes marked on the surface of the object and not to the reading of sub-layer codes. The Examiner refers to the teachings in the Storch et al patent with respect to other ways of imparting binary code elements on gambling chips including the fact that the "black" stripes "could be recessed." Howev r, this is still a

"surface" sensing technique rather than one suitable for multiple layers. In general, given the actual teachings of the Christy patent with respect to multi-layer barcode detection using wavelength separation and those of the Storch et al patent relating to counterfeit detection, particularly with respect to casino chips, it is respectfully submitted that it would not be obvious to use the techniques disclosed in the Storch et al patent relating to capacitance, thermal and magnetic sensors in the multi-layer barcode detection system of the Christy patent. Although the Storch et al patent certainly discusses more general applications, it is respectfully submitted these are not applications that would lead to the combination proposed, at least insofar as using the particular sensors now being claimed is concerned.

Dependent claim 7 sets forth a further distinguishing feature of the present invention. This claim recites that the sensor comprises a thermal sensor and that one of the marking layers comprises a different medium having characteristics detectable by a sensor other than a thermal sensor. This general difference was discussed in the previous Office Action in connection with claims 7, 8, claims 25, 26, and claims 38, 39. While there might be disagreement as to whether claim 7, in its original form, distinguishes from the prior art, depending on how the phrase "different sensors of the named group" is interpreted, it is clear that claim 7, as amended, defines over the Christy patent (which, as discussed previously, relates to two sensors of the same type which are transparent and opaque to different wavelengths). Similar remarks apply to claim 8 which provides, inter alia, that the "different sensor" comprises a sensor of a group that is different from the group of capacitance, thermal and magnetic sensors and consists instead of x-ray, radar and ultrasonic sensors.

Independent claim 13 has been amended in a manner similar to claim 1 and it is patentable for the same basic reasons discussed above.

Independent claim 21 distinguishes over the cited references for reasons similar to those discussed above in connection with claims 7 and 8. Claim 21 provides that each of the marking layers comprises a different medium having characteristics detectable by a different sensor, that the sensor means comprises a radar sensor for detecting the identification symbol of a first marking layer, that a further sensor is provided for detecting the identification symbol of a second marking layer and that the

further sensor is selected from the group consisting of sensors other than a radar sensor. Claim 26 provides that the different sensor comprises a sensor of the group consisting of capacitance, thermal and magnetic sensors.

Independent claim 33 distinguishes over the cited references for basically the same reasons as claim 1. Dependent claim 38, which depends from claim 33, is generally similar to claim 7 and distinguishes over the references for generally the same reasons.

Finally, as was discussed during the interview, claim 20, claims 31 and 32, and claims 42 and 43 relate to a further feature of the present invention not disclosed by the cited reference. As an example, claim 42 recites that the respective identification signal is encoded in at least two marking layers and comprises a respective symbol fragment on the at least two marking layers, while claim 43 recites that the detected symbol fragments are assembled to form a complete symbol. Claims 31 and 32 are generally similar to claims 42 and 43. Again, it is simply not seen where these features are disclosed in the cited references and, in this regard, it is respectfully submitted that these features are clearly not disclosed in the Greenaway patent used in combination with the Christy and Storch et al patents in rejecting the corresponding claims. In the latter regard, the Greenaway patent simply does not appear to be relevant with respect to these features.

The allowance of claims 24 and 36 is gratefully acknowledged but, for the reasons set forth above, it is respectfully submitted that the present invention merits broader protection than is afforded by these two claims.

Allowance of the application in its present form is respectfully solicited.